A Strategic Review of Work-Based Learning in Virginia

Expanding Opportunities for Students

Virginia Department of Education
2014

A Strategic Review of Work-Based Learning in Virginia

Expanding Opportunities for Students

Developed by
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Executive Summary

Work-based learning (WBL) is a school-coordinated, coherent sequence of on-the-job experiences that are related to students' career goals and/or interests, are based on instructional preparation, and are performed in partnership with local businesses, industries, or other organizations in the community. This review is a first step in an initiative to reassess and revitalize the WBL opportunities offered to Virginia's career and technical education (CTE) students.

The purposes of the review are to redefine the WBL methods used to provide on-the-job experiences for students and to refocus WBL procedures and guidelines so as to accomplish the following objectives: (1) guarantee direct connections between a student's WBL experience and his/her program of studies and career goals; (2) ensure relevant learning in the workplace; (3) ensure that every WBL experience can lead to an in-demand, high-skill, high-wage job/career; (4) increase flexibility for school divisions in designing and operating WBL experiences.

There are seven different WBL methods of instruction currently practiced in Virginia—job-shadowing, mentorship, internship, service learning, clinical experience, student apprenticeship, and cooperative education. These can be grouped into three categories with three different primary goals—career exploration, pre-professional development, and career preparation. Categorizing WBL offerings this way will help tie instructional activities as well as the work experiences themselves to WBL goals. How the seven methods group into the three categories and how they compare are shown in the table on page 11.

For the purpose of this strategic review, CTE administrators across Virginia were surveyed about the WBL methods in use in their school divisions. The survey showed that job shadowing and cooperative education are the most commonly used methods; however, many administrators indicated that they would like to be able to offer additional WBL methods, all of which they deemed to be valuable. They identified various reasons that WBL placements are successful, as well as the main reason that they may be unsuccessful—i.e., ill-fitting student placements that do not match students' career goals or plans of study. The administrators also stressed the value of WBL experiences in helping students get jobs after graduation from high school or completion of postsecondary programs, including college.

When asked to describe the problems commonly hindering or preventing WBL placements in their divisions and to make suggestions for overcoming them, the CTE administrators raised issues that included insufficient WBL teacher-coordinator time, insufficient student time or interest for WBL placements, insufficient WBL workplace placement opportunities,

lack of student interest in non-credit WBL experiences, timing of WBL experience hours, and lack of student transportation to and from the workplace.

Important strategies for expanding and improving WBL experiences in Virginia have been identified. These include recommendations related to programs, pedagogy, and state leadership, as well as four WBL best practices: (1) select relevant, worthwhile WBL experiences, and monitor them; (2) prepare students for the WBL experience; (3) determine goals for the specific WBL experience being offered; and (4) provide instructional activities targeted to learning goals.

Although the potential in the arena of virtual work-based learning is promising, relatively little virtual WBL has been integrated into high school curricula so far. Research is being done in this area, especially in Great Britain, and as more virtual WBL experiences become available, opportunities for evaluation will increase. Some virtual WBL experiences are now being used in the United States at the high school level, but most virtual WBL seems to be designed for students at the postsecondary level in fields such as computer science. Given the huge potential of virtual WBL and the changes rapidly taking place in the highly technical field of virtual learning, this arena should be regularly monitored for opportunities that can be studied and introduced in Virginia in the future.

Based on current research and input from administrators, teachers, and stakeholders, this report recommends the following for Virginia's CTE programs:

1. Organize WBL methods into three categories, each with a distinct and clearly articulated set of goals.
2. Support each WBL method with goal-oriented classroom instruction.
3. Recognize that pre-professional WBL methods can be efficient and cost-effective.
4. Make workplace readiness an essential instructional goal of all WBL experiences.
5. Continually explore opportunities for application of proven best practices in the area of virtual WBL methods.
6. Build a strong network of business/industry and community partnerships to support student training experiences.
7. Implement meaningful strategies for employer outreach and engagement in the students' learning process.

Purposes and Strategies of This Strategic Review

Early in 2013, the Office of Career and Technical Education of the Virginia Department of Education developed a plan to review the practices of work-based learning (WBL) in Virginia schools. The purposes of this review were to redefine the WBL methods used to provide on-the-job experiences for Virginia's career and technical education (CTE) students and to redesign, refocus, and streamline Virginia's WBL procedures and guidelines so as to accomplish the following four objectives:

1. Guarantee direct connections between each student's WBL experience and his/her program of studies, specific classroom instruction, and ultimate career goals.

2. Ensure relevant experiential learning in the workplace, thus maintaining the integrity and quality of WBL experiences.

3. Ensure that every WBL experience has the potential to lead to an in-demand, high-skill, high-wage job/career.

4. Provide maximum flexibility for school divisions in designing and offering WBL experiences.

The strategies used to accomplish this review included researching, reviewing, and analyzing national trends in WBL, literature pertaining to WBL, and the current status of WBL in Virginia schools, including the partnerships between schools and businesses/industries. This, in turn, facilitated a gap analysis of current Virginia WBL practices and procedures in relation to national trends, work force needs, and other research findings.

The task force formed to conduct this review included representatives from many different groups—business and industry training supervisors, CTE administrators, CTE teachers, special education teachers, parents, school counselors, division superintendents, and instructional specialists. The facilitators of the review included the University of Virginia Weldon Cooper Center for Public Service, Virginia's CTE Resource Center, and the Office of Career and Technical Education of the Virginia Department of Education.

Introduction

Work-based learning (WBL) is a school-coordinated, coherent sequence of on-the-job experiences that are related to students' career goals or interests, are based on instructional preparation, and are performed in partnership with local businesses, industries, or other organizations in the community. Work-based learning promotes students' personal and career development, but it can be difficult to implement and is often underused in many areas of Virginia. The recent trend in American education has been one of steadily rising educational attainment and, concomitantly, increasing emphasis on academic achievement and the preparation of students for higher education. Periodically, and especially following a recession when jobs are hard to come by, educators, government, and the public manifest a heightened interest in improving the ways we prepare youth for work as well as for academic study. However, that interest often proves to be short-lived, or it is focused primarily on low-achieving students.

In 1994, the School-to-Work Opportunities Act provided federal funding to expand work-preparation programs in high schools and the development of many new initiatives. Funding expired within a few years, and attention shifted back to academic rigor, high-stakes testing, and college preparation. Recently, however, interest in preparing secondary students for work has swelled once again, fueled by the Great Recession of 2007-09 and the lingering high unemployment rate—events that have undercut the belief that academic skills are sufficient preparation for workplace success. Parents, educators, employers, and government are looking for additional ways to prepare young people for careers, and this often means looking to expand and improve the role of career and technical education.

In 2011, Symonds, Schwartz, and Ferguson, authors of the groundbreaking report *Pathways to Prosperity,* wrote, "Our current system places far too much emphasis on a single pathway to success: attending and graduating from a four-year college after completing an academic program of study in high school."[1] They recommend that instead of focusing primarily on college, "our goal should be to assist every young adult beginning at the end of middle school to develop an individualized pathway plan that would include career objectives, a program of study, degree and/or certificate objectives, and work-linked learning experiences."[2]

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[1] William C. Symonds, Robert B. Schwartz, and Ronald Ferguson, *Pathways to Prosperity: Meeting the Challenge of Preparing Young Americans for the 21st Century* (Cambridge, MA: Pathways to Prosperity Project, Harvard University Graduate School of Education, 2011), 24.

[2] Symonds, *Pathways to Prosperity,* 28.

This model encompasses the essence of career and technical education, which aims to give every student a career plan, industry certifications, and work-related learning along with critical academic and technical instruction. Although Symonds, Schwartz, and Ferguson uphold the value of the CTE model, they also point out that CTE programs are inconsistent in quality. Many of the best new programs serve only small numbers of students, and there is huge variation in the quality of programs across the country.[3]

Now that the CTE approach is receiving the recognition it deserves, it is important to ensure that the application of this approach lives up to its promises. In Virginia, significant work has been done to introduce individualized career plans for students and to prepare students for industry certifications; however, more still needs to be done to improve work-related learning, particularly work-based learning outside the classroom. Once an integral part of old-style vocational education, work-based learning, as established under the cooperative education model, has been languishing in Virginia. It is time for a revival. Across the country, schools are working to offer more WBL opportunities to students, and educational models that require this, such as career academies, have been shown to provide significant benefits to students.[4] This review is a first step in an initiative to reassess and revitalize WBL opportunities offered to CTE students in the commonwealth.

Overview of Work-Based Learning Methods

Work-based learning enables students to apply classroom instruction in a real-world business or service-oriented work environment. The seven different WBL methods of instruction currently practiced in Virginia are listed and redefined below in order from the lowest to the highest degree of engagement.

1. **Job shadowing** is a method of short-term, school-coordinated career exploration in which the student interviews a competent worker about his/her job and industry and "shadows" (follows) the worker to observe the performance of a variety of job tasks. Job shadowing is less intensive than the other methods and is usually the first form of workplace assignment given to a student. Prior to job shadowing, the student receives instruction about careers and the process of career choice, develops appropriate questions to ask, and learns the rules and guidelines for grooming, dress, and behavior in the workplace. Once the student has identified a career interest, path, or goal, job shadowing helps the student make informed career decisions and focus his/her studies. Job shadowing does not provide a standard unit of credit, but the student may enhance his/her class grade through the experience.

[3] Symonds, *Pathways to Prosperity,* 28.

[4] James J. Kemple and Cynthia J. Willner, *Career Academies: Long-Term Impacts on Labor Market Outcomes, Educational Attainment, and Transitions To Adulthood* (New York: MDRC, 2008).

2. **Mentorship** is a structured, school-coordinated method that enables the student to learn about the industry and the workplace from a selected worker who has a recognized record of achievement in the occupational field. It requires student preparation, including career exploration prior to the experience. Mentorship is more complex than job shadowing but less demanding and often of shorter duration than internship or service learning. Mentorship does not provide a standard unit of credit, but the student may enhance his/her class grade through the experience.

3. **Service learning** is a method in which the student engages in community-service work for a specified number of hours in order to gain developmental experience. Students and teachers cooperate with local leaders to address community problems and issues, resulting in student service to the community and development of personal, workplace readiness, academic, and citizenship skills. Students engage in critical, reflective thinking and experience the relationship of theory and practice. Service learning does not provide a standard unit of credit, but the student may enhance his/her class grade through the experience.

4. **Internship** is a progressive, school-coordinated method that places the student in a real workplace environment in order to develop and practice career-related knowledge and skills needed for a specific entry-level job. An internship can be either *introductory* (short-term) or *extended* (lasting a summer, a semester, or an entire school year and involving a specified number of hours in the training agreement). Currently, interns may be paid or unpaid.[5] An internship provides hands-on experience in a particular industry or occupation related to the student's career interests, abilities, and goals and allows him/her to document job-related experiences. Prior to an internship, the student receives the established criteria and guidelines from the workplace supervisor, and throughout the internship, the supervisor evaluates the student. Internship does not provide a standard unit of credit, but the student may enhance his/her class grade through the experience.

5. **Clinical experience** is a form of cooperative education for Health and Medical Sciences students, except that students are not paid for their clinical work. Clinical experience provides the student with an opportunity to integrate knowledge acquired in the classroom with clinical practice, and it affords practice of the basic skills, behaviors, and attitudes needed for professional competence in the healthcare field. Clinical experience is based on observation and treatment of patients at different stages of medical practice.

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[5] Federal legislation from April 2010 provides for determination as to whether or not interns must be paid the minimum wage and overtime under the Fair Labor Standards Act (FLSA) for the services that they provide to private sector "for-profit" employers. Educators must meet the "Test for Unpaid Interns" (6 criteria) if they are placing students in unpaid internships. Otherwise, the students must follow the FLSA for paid internships. Source: http://www.dol.gov/whd/regs/compliance/whdfs71.htm. See Appendix B for the FLSA guidelines.

These experiences place students in a variety of healthcare settings so they may better understand the scope of the profession and healthcare needs. Like cooperative education, clinical experience is closely supervised, qualifies students for credit toward graduation, and requires a significant number of on-site hours (set by the Virginia Board of Nursing or the Virginia Department of Health).

6. **Student apprenticeship** is a WBL method that provides the student with opportunities to use job skills and reinforces academic instruction under the guidance of a supervisor in a specific occupational area. Student apprentices are paid for their work. Like cooperative education, student apprenticeship is closely supervised by the school coordinator, qualifies students for credit toward graduation, and requires a significant number of on-site hours (up to a maximum of 20 hours per week). Student apprenticeship is designed to lead students directly into an entry-level job, a registered apprenticeship, or a postsecondary program.

7. **Cooperative education** is a career-preparation WBL method that combines CTE classroom instruction with paid employment that is directly related to the student's plan of study. The school and the employer plan, coordinate, and supervise the instruction and employment so that each contributes directly to the student's career objectives and employability. Virginia students may earn credit toward graduation for cooperative education experiences, and they normally work between 11 and 15 hours per week to achieve a minimum of 396 hours. Currently, there are 236 CTE courses being taught in Virginia that provide students with the option to participate in a cooperative education experience.

The table on page 11 shows a comparison of various characteristics of the WBL methods of instruction.

Categories and Goals of Work-Based Learning Methods

The WBL methods of instruction can be grouped into three categories having different primary goals—career exploration, pre-professional development, and career preparation. Virginia has not categorized its WBL offerings this way in the past, but doing so will help tie instructional activities as well as the work experiences themselves to WBL goals. All three categories benefit from the best practice guidelines described later in this report (see "Work-Based Learning Best Practices" on page 18), but the guidelines need to be simplified for career-exploration activities and made more rigorous for activities that require more time and are more intensive.

Students benefit when they have the opportunity to participate in sequenced WBL,[6] beginning with career-exploration activities in middle school or early high school followed by developmental activities related to their coursework in high school. Some students will also benefit from an intensive, long-term career-preparation experience in high school, while others will find it best to postpone such an experience until their postsecondary years.

1. **Career-Exploration Work-Based Learning Methods.** The methods in this category—*job shadowing, mentorship,* and *introductory internship*—have the goals of informing students about the range of career options, challenging them to explore a variety of careers, and exposing them to different workplace environments so that they can begin to recognize their own interests and develop career goals. Additionally, these methods aim to help students strengthen their motivation and informed decision-making skills.

   Very brief group or individual activities such as work-site visits or exposure to visiting speakers from business and industry may provide career-exploration experiences, but they are not work-based learning and are not as effective as the WBL methods in this category. According to Bailey, Hughes, and Moore,[7] students derive the most benefit from career-exploration experiences that include one-on-one, in-depth interaction with working adults. Group visits and attendance at speaker events are less effective because students have little engagement with and input into the experience. Furthermore, student interaction with adult workers does not have to be long-term in order to be of value: for example, job shadowing for half a day or conducting an informational interview with an attentive adult worker can be enough to gain significant knowledge, stimulate thought, and promote career exploration.

   Career-exploration WBL activities may be integrated into the curricula of CTE classes or offered as extra-curricular activities. The student may be assigned supplementary work connected with the activity and may be graded on his/her performance in a way that contributes to the final grade in a CTE class.

2. **Pre-professional Work-Based Learning Methods.** The WBL methods in this category have as their goals deepening students' knowledge about careers of interest and the workplace, helping them develop personal qualities and workplace readiness skills, and offering them beginning professional knowledge and skills that will be of value in further education and in a range of possible future careers. The typical methods in this category are *extended internship* and *service learning*; however, *extensive job shadowing*

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[6] Svetlana Darche, Mara Nayar, and Kathy Reeves Bracco, *Work-Based Learning in California: Opportunities and Models for Expansion,* Research Report, *Focus* (San Francisco: James Irvine Foundation, 2009), 17.

[7] Thomas R. Bailey, Katherine L. Hughes, and David Thornton Moore, *Working Knowledge: Work-Based Learning and Education Reform* (New York: RoutledgeFalmer, 2004), 59.

and *mentorship* may also provide developmental experiences. Pre-professional WBL experiences are as valuable for students who are college bound as for those who plan to enter the work force after high school.

The *extended internship*[8] method has been used to prepare Virginia high school students for specific careers, but as such, it has been the most loosely defined experience. The amount of time students devote to internships is highly variable, as is the amount of supervision they receive, and training plans and agreements are optional. Currently, interns may be paid or unpaid. At the postsecondary level, unpaid internships have become the subject of considerable concern; some evidence shows that unpaid internships are less likely to lead to job offers than are paid internships, possibly because employers invest less energy in and attention to interns who work for free.[9] More importantly, questions have been raised about the legitimacy and legality of unpaid internships, and the U.S. Department of Labor has released guidelines strictly limiting their use.[10] Because of these quality and legal issues, long-term, *unpaid* internships are not appropriate career-preparation WBL experiences for Virginia students.

Pre-professional WBL experiences can be integral parts of CTE classes or student organization activities in which the instructional activities are required and students are assessed in a way that contributes to final class grades. Some pre-professional WBL experiences, however, may be extracurricular and provide learning experiences without being assessed.

3. **Career-Preparation Work-Based Learning Methods.** The methods in this category—*clinical experience, student apprenticeship,* and *cooperative education*—are recommended for the student who has a clear goal of entering the work force in a selected job directly after high school or enrolling in a closely related postsecondary training program. Like pre-professional WBL experiences, career-preparation WBL experiences should strengthen career awareness, workplace readiness, and personal development; however, they are structured primarily to give the student extensive experience in applying the technical and practical knowledge and skills needed in the career that he/she intends to pursue. This type of WBL experience is often an integral part of career academies; for example, California's closely regulated career academy system provides comprehensive instructional and other support resources for intensive WBL, as does the National Career Academy Foundation.

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[8] For recent FSLA regulations on internships, refer to the footnote on page 6 and to Appendix B.

[9] National Association of Colleges and Employers, *The College Class of 2012* (Bethlehem, PA: National Association of Colleges and Employers, 2012), 7.

[10] Ross Perlin, *Intern Nation: How to Earn Nothing and Learn Little in the Brave New Economy* (New York: Verso, 2012).

Each of the career-preparation WBL methods is intensive, requiring a significant number of student work hours and a considerable time commitment from teachers and administrators, who recruit employers, evaluate the appropriateness of worksites, coordinate students' onsite experiences, prepare students' supplementary instruction, and assess students' performance. Research affirms the importance of this effort but offers little insight into how to accomplish it in light of budget cuts and reduced teacher time for such duties. The problems and possible solutions will be examined later in this report (see "Challenges of Work-Based Learning" on page 16).

The table on the next page shows a comparison of the different WBL methods of instruction.

A COMPARISON OF WORK-BASED LEARNING METHODS OF INSTRUCTION

Characteristic	Career-Exploration WBL Methods			Pre-professional WBL Methods		Career-Preparation WBL Methods		
	JOB SHADOWING	MENTORSHIP	INTRODUCTORY INTERNSHIP	EXTENDED INTERNSHIP	SERVICE LEARNING	CLINICAL EXPERIENCE	STUDENT APPRENTICESHIP	COOPERATIVE EDUCATION
Grade levels	Primarily grades 6–8, but continuing into higher grades			Primarily grades 9 and 10, but continuing into upper grades		Primarily grades 11 and 12, but continuing into postsecondary		
Goals of method	• Foster career and workplace awareness • Promote career exploration • Strengthen motivation and informed decision-making skills			• Deepen career and workplace knowledge • Develop personal qualities and workplace readiness skills • Impart beginning professional skills		• Develop technical knowledge and skills necessary for entry into a specific occupation or postsecondary training program • Strengthen career awareness, workplace readiness, and personal development		
Student receives pay	No	No	No	Local determination based on FLSA* criteria (see Appendix B)	No	No	Yes	Yes
Number of hours required	Local option	Local option	Local option	Local option	Local option	Set by Virginia Board of Nursing or Va. Department of Health	Maximum of 20 hours per week	396 (11-15 per week)
Training plan and training agreement used	Optional (assignment involved)	Optional (assignment involved)	Optional (project involved)	Optional (project involved)	No (identified goals)	Contract with clinical facility	Yes (must use specific Va. Department of Labor and Industry [VDOLI] forms)	Yes
Related classroom instruction	Yes	Yes	Yes	Yes	Yes	Yes	Desirable, but not required	Yes
Option for receiving credit toward graduation	No	No	No	No	No	Yes	Yes	Yes
Student required to have career objective	No, but interest in field required	No, but interest in field required	No, but interest in field required	No, but interest in field required	No	Yes	Yes	Yes
WBL experience administered by teacher-coordinator certified in CTE field	No, but knowledge of careers and placement required	No, but knowledge of careers and placement required	No, but knowledge of careers and placement required	No, but knowledge of careers and placement required	No	Yes	Determined by school, employer, and VDOLI	Yes

*Fair Labor Standards Act

Survey of Work-Based Learning

For the purpose of this strategic review, CTE administrators across Virginia were surveyed about their school divisions' WBL. Sixty-four administrators responded, and their responses show that Virginia school divisions are using all types of WBL methods of instruction. The data in the table below show by program area the number of each type of WBL method currently being used in all responding school divisions on a regular basis. Job shadowing and cooperative education are the most commonly used methods; however, in the area of Health & Medical Sciences, clinical experience is the most prevalent.

Work-Based Learning Methods Currently Practiced in Virginia *

WBL Method	Traditional Career and Technical Education Program Areas								WBL Methods TOTALS
	Agricultural Education	Business & IT	Career Connections	Family & Consumer Science	Health & Medical Sciences	Marketing	Technology Education	Trade & Industrial Education	
Job Shadowing	9	20	7	19	18	11	15	23	**122**
Cooperative Education	12	27	7	10	5	30	4	11	**106**
Service Learning	9	15	7	17	10	8	9	10	**85**
Mentorship	5	15	6	9	10	6	11	15	**77**
Internship	4	11	5	9	8	7	5	12	**61**
Clinical Experience	1	0	1	6	38	0	0	1	**47**
Student Apprenticeship	3	2	0	2	2	1	2	8	**20**
CTE Program Area TOTALS	**43**	**90**	**33**	**72**	**91**	**63**	**46**	**80**	**518**

* Data provided by 64 CTE administrators across Virginia

Many administrators indicated that they would like to be able to offer additional WBL methods, all of which they deemed to be valuable. Internship is the method that the most administrators said they are interested in adding, but they also expressed interest in all the other methods.

Quality of WBL Experiences. The survey asked the administrators whether or not the overall quality of WBL placements in their divisions is satisfactory and how they would define the indicators of a high quality experience. Thirty-two of the 64 respondents reported WBL satisfaction, as follows:

Overall Impression of WBL Placements	Respondents
Very good	10
Satisfactory/mixed	17
Unsatisfactory	5

Twenty respondents identified the following important indicators of high quality:

Indicator of High Quality WBL Experiences	Respondents
Students secure work at a time when unemployment among young adults is high.	9
Students learn real-world skills.	6
Students are supported and assisted in completing their CTE programs, passing their exams, and deciding on career paths.	3
Students gain workplace readiness skills and soft skills.	2

Successful WBL Experiences. When asked why their divisional WBL placements achieve success, the administrators who responded reported the following reasons:

Reason for Success of WBL Placements	Respondents
Employers are flexible, committed to WBL, and have good rapport with students.	10
Placements are monitored and vetted for quality and are relevant to students' programs.	9
WBL coordinators monitor and evaluate students.	3
High quality instruction and student performance help build relations with employers.	1

Unsuccessful WBL Experiences. Ill-fitting student placement was the most frequently mentioned reason for dissatisfaction with WBL experiences and/or lack of success. Because securing a suitable, relevant placement for every student seeking one is often challenging due to not enough employer connections, some administrators reported that students are sometimes given placements that do not match their career goals or plans of study and that this leads to lack of interest and declining participation in WBL experiences.

The Value of Work-Based Learning

Virginia's CTE administrators report that their WBL programs are valuable because they help students get jobs once they graduate from high school or complete postsecondary programs, including college. As one administrator put it, "Students [who participate in WBL opportunities] have been able, in many cases, to continue to work in these companies after high school graduation and even after college graduation. The opportunities open additional doors for our students to pursue their careers and college."

Administrators are not the only ones to make this connection between WBL and successful employment. Increasingly, employers themselves are seeking new hires who have WBL

experience and can perform well from day one.[11] Internships provide the kind of experience they value. For example, in the 2012 Chronicle of Higher Education/Marketplace survey of employers who hire college graduates, internship experience was at the top of the list of attributes considered by employers in evaluating graduates for hire.[12] As one research team put it, "internships successfully target and develop skills that employers want."[13]

Research helps explain what high school students can learn through WBL that gives them a head start in the workplace. Bailey, Hughes, and Moore's 2004 book *Working Knowledge: Work-Based Learning and Education Reform* includes both extensive discussion of literature and significant original research on WBL initiatives introduced in the 1990s. They review the evidence for four of the benefits often claimed for WBL—that it (1) improves academic performance, (2) teaches practical skills and provides career knowledge, (3) helps young people mature, and (4) helps students develop intellectual and social skills required in the workplace. They report the following:

1. *There is little evidence that WBL directly improves students' academic performance or that it raises test scores.*[14] In general, students' workplace experiences are not closely related to their academic studies and there are limited opportunities to directly apply what they are learning in academic classes. Furthermore, research shows that it is difficult for students to generalize from their work to their academic experience, and as a result, they do not reliably transfer knowledge from work to the classroom. Although carefully designed internship[15] programs can help this to happen, they are difficult to create and manage, especially when serving many students in a range of internships.

2. *WBL experiences can help students learn practical skills and learn about careers and industries, but they learn most when supported by classroom instruction.*[16] At work, students have to focus on learning to get a specific task done, and supervisors rarely have time to help them extract broader insights from the work they do. As a result, it may be difficult for the student to transfer what they learn through their work experience to another job or occupation elsewhere. Similarly, students may learn much about the everyday realities of working in a specific career, but more

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[11] Collegiate Employment Research Institute, *Under the Economic Turmoil a Skills Gap Simmers,* CERI Research Brief 1-2010 (Lansing, MI, Collegiate Employment Research Institute, Michigan State University, 2010).

[12] Maguire Associates, Inc., developer, *The Role of Higher Education in Career Development: Employer Perceptions,* The Chronicle of Higher Education and American Public Media's *Marketplace* (December, 2012), 24.

[13] Elizabeth L. Shoenfelt, Nancy J. Stone, and Janet L. Kottke, "Internships: An established mechanism for increasing employability," *Industrial and Organizational Psychology: Perspectives on Science and Practice* 6, no. 1 (2013): 27.

[14] Bailey, Hughes, and Moore, *Working Knowledge,* Chapter 5.

[15] For recent FSLA regulations on internships, refer to the footnote on page 6 and to Appendix B.

[16] Bailey, Hughes, and Moore, *Working Knowledge,* Chapter 6.

generalized learning about career preparation, compensation, and rewards probably does not happen in the workplace. To develop generalized, practical skills and broad career knowledge, students need classroom instruction. They need to be shown how to reflect on their experience, how to draw inferences from it, and how to apply these inferences to other environments and circumstances.

3. *WBL helps young people to grow and mature.*[17] WBL possesses significant potential for contributing to positive student development, which requires a stimulating environment that poses genuine but resolvable problems or conflicts. Well-selected work placements allow young people to meet and conquer challenges in the company of supportive adults and, through this experience, improve their self-concepts. This, in turn, can improve performance in other areas of life, including school.

4. *WBL helps students develop new ways of thinking, solving problems, and working with others.*[18] Life in school is often rule-bound, problems are oversimplified, and opportunities for teamwork are limited. In the workplace, students may have the opportunity to define as well as solve problems and may learn to approach problems flexibly, using a variety of strategies and tactics. Perhaps most importantly, they learn to participate in teams by solving problems in concert with other workers.

In summary, Bailey, Hughes, and Moore conclude that WBL may help students develop technical and practical skills, but this is most likely to happen when they receive supporting instruction. Furthermore, WBL experiences help students mature and develop what in Virginia are called Workplace Readiness Skills, as they additionally develop new ways of thinking, solving problems, and working with others. It is no wonder, then, that employers value internship and administrators report that WBL helps students find jobs. These experiences help to teach precisely the skills that employers want most and that they believe are not sufficiently taught in school.[19]

Virginia now has an opportunity to take advantage of this synchronicity and develop WBL experiences that supplement and reinforce the instruction in Workplace Readiness Skills that is already embedded in all CTE curricula. Requiring a focus on workplace readiness in instructional activities that supplement WBL will promote student success in both arenas.

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[17] Bailey, Hughes, and Moore, *Working Knowledge,* Chapter 7.
[18] Bailey, Hughes, and Moore, *Working Knowledge,* Chapter 8.
[19] Achsah Carrier and Meredith Gunter, *Critical Workplace Skills for Virginia's Economic Vitality* (Charlottesville VA: Weldon Cooper Center for Public Service, 2010). Also: Robert Hogan, Tomas Chamorro-Premuzic, and Robert B. Kaiser, "Employability and career success: Bridging the gap between theory and reality," *Industrial and Organizational Psychology: Perspectives on Science and Practice*, 6, no. 1 (2013): 8.

Challenges of Work-Based Learning

Work-based learning is valuable, but it is not easy to implement. Improvements to Virginia's WBL will be successful only if they are designed with practical instructional and administrative needs in mind. Changes that are too complex or too expensive to administer will not be implemented by school divisions; therefore, it is important to understand CTE administrators' and teachers' thoughts on the challenges that WBL presents.

The CTE administrators were asked to describe the problems commonly hindering or preventing WBL programs in their divisions and to make suggestions for overcoming them. Even those who rated their own offerings as successful identified a number of problems, including the following, which the current economic climate is only exacerbating.

Problems Hindering or Preventing Work-Based Learning	Respondents
Budgetary and staffing constraints often prevent teachers from leaving their duties at school to connect with employers and supervise WBL placements.	9
Increased graduation requirements do not leave many students sufficient time for WBL placements, and scheduling issues make placements difficult even for students who have time. Additionally, many students are looking for opportunities to earn credit toward graduation and are not interested in non-credit experiences.	7
Many students do not have transportation to go to and from work.	7
Recruiting employers to provide placements is difficult. Rural areas have few employers, and in all parts of the state, the sluggish economy has reduced employer participation.	6
In some school divisions, school cultures focus on college entrance and do not support WBL (or CTE in general) because it is thought to be appropriate only for students who are going directly to work from high school. Consequently, there is little student interest in WBL.	6
Other problems include insurance issues and the regulations governing placement of students who are younger than 18.	several

In March of 2013, a task force was convened at the CTE Resource Center for a day-long meeting to focus on WBL challenges in Virginia and brainstorm ideas for solutions. Participants included representatives from business and industry, teachers and administrators from school divisions across the commonwealth, and meeting facilitators from the Virginia Department of Education, the CTE Resource Center, and the University of Virginia's Weldon Cooper Center for Public Service (see the acknowledgments on page v for list of participants). Discussions centered on the various issues—difficulties, barriers, and other challenges encountered when providing WBL experiences for students. The various issues raised, which correspond in large measure to those identified by the CTE administrators and listed in the previous table, helped to shape this document. They included the following:

- Insufficient WBL teacher-coordinator time
- Assignment of WBL coordination duties

- Insufficient WBL placement opportunities
- Insufficient student interest in WBL participation
- Lack of interest in non-credit WBL experiences
- Timing of WBL experience hours

Important Strategies for Work-Based Learning

A recent report summarizing key strategies for structuring and providing WBL experiences recommends a number of helpful strategies that can be used to guide WBL practices in Virginia.[20]

WBL programs should be structured to include these strategies:

- Help students make the connection between their WBL experiences and specific coursework.
- Encourage students to reflect on their WBL experiences.
- Culminate with an activity, project, or other means of demonstrating the learning that has occurred.
- Be coordinated by a trained staff member who
  - establishes and sustains relationships with employers
  - matches students to employers by factoring in student's interests, talents, and career goals
  - prepares both students and employers for the experiences
  - helps develop training plans with explicit, measurable learning outcomes
  - visits students in the workplace to ensure that they are being supervised correctly and provided with appropriate feedback.

WBL pedagogy should include these strategies:

- Ensure that students experience in-depth workplace engagement that reinforces problem-solving, academic, and technical skills.
- Expose students to networks that support their cognitive, social, personal, and career development.
- Rotate students among positions and job functions with exposure to multiple supervisors for purposes of career development as well as enhanced learning.
- Encourage students to reflect on their experiences, including how they relate to classroom learning and students' personal interests.
- Align WBL experiences with standards.
- Specify learning objectives through learning plans, and monitor achievement of these objectives through close communication between teachers and employers.

[20] Alfeld et al., *Work-Based Learning Opportunities*.

- Have teachers or coordinators supervise students.
- Assess and document student performance, using input from the employer, client, or community.

State leaders should use these strategies to increase the connection between classroom and workplace:

- Provide a clear, substantive purpose for WBL and state its value, emphasizing the learning component in the work experience.
- Offer information about and resources for components of high-quality WBL.
- Provide professional development for teachers and WBL coordinators to learn instructional strategies, including those for cognitive transfer of problem-solving skills.
- Provide resources and guidelines for employer mentor selection, training, and sustained engagement.
- Encourage teachers to work with WBL coordinators and employer mentors to construct detailed student training plans (into which students may have input).
- Broaden student selection criteria and expand access to WBL so more students can participate.
- Provide strategies for involving academic and CTE teachers in WBL options so that the experience is connected to classroom learning.
- Provide guidelines for accountability for student learning in WBL programs.

Work-Based Learning Best Practices

When rethinking WBL offerings for Virginia, it is beneficial to keep best practices in mind. Research suggests at least four that are critical.

1. Select relevant, worthwhile WBL experiences, and monitor them.

WBL opportunities must match students' career goals and must be appropriately supported by their classroom experience. While work experience unrelated to career goals may be of some value, it does not provide a learning experience that justifies the investment of teachers' energy.

In addition to being career-appropriate, it is also important that WBL experiences provide opportunities for real learning. Students learn most when they are able to work closely with adults who will discuss work with them and provide feedback about their performance. Working on their own at solitary, unchallenging tasks is not beneficial for most students,[21] but rotating among different tasks and supervisors to gain a more complete understanding of the

[21] Darche, Nayar, and Bracco, *Work-Based Learning in California,* 7.

workplace has been shown to be valuable for students.[22] Factors of a WBL environment that foster either more learning or less learning are shown below.[23]

Factors That Contribute to More Effective or Less Effective Work-Based Learning

More Effective	Less Effective
Tasks require knowledge and skills.	Tasks are not challenging.
Tasks involve extensive contact with others in varying roles.	Tasks involve little contact with others.
Tasks are important to the organization.	Tasks are peripheral to the organization.
Access to the knowledge of the workplace is available.	Access to the knowledge of the workplace is unavailable.
There is minimal division of workplace knowledge.	Workplace knowledge is highly segmented.
Access to the knowledge is not controlled.	Access to the knowledge is highly controlled.
Workplace roles are not hierarchical.	Workplace roles are hierarchical.
Workers believe in collaboration and learning.	Workers are status oriented and/or competitive.
There is little division of labor; workers operate in teams.	There is a high division of labor.

While students learn something from every work experience and every contact with working adults, what they learn may *not* be valuable or even constructive. A poor work-site placement may actually be worse for the student than no placement at all. For example, in their recent study of the job interview skills attained by students from a Chicago student apprenticeship program targeting at-risk youth, Alexander and Hirsch found that although students from some programs greatly exceeded the performance of non-apprentice control students, students from other programs did far worse than the controls; the quality of the apprentice experience made all the difference. The effective programs

> were characterized by regular examples of peer collaboration and teamwork, exchange of opinions, and opportunities for apprentices to lead their peers. Instructors in these apprenticeships were also more likely to use positive instructional methods, such as correcting, teaching and coaching, and encouragement in order to achieve program goals. [Ineffective programs] ... were characterized by frequent use of negative communication methods on the part of instructors, including berating and unconstructive criticism, as well as widespread ignoring of problem behaviors. Interactions at all levels were more haphazard in these apprenticeships, including regular instances of off-task recreational behavior more characteristic of a leisure program than a work setting.[24]

[22] Darche, Nayar, and Bracco, *Work-Based Learning in California,* 8.
[23] Based on Bailey, Hughes, and Moore, *Working Knowledge,* 175.
[24] Kendra P. Alexander and Barton J. Hirsch, "Marketable job skills for high school students: What we learned from an evaluation of After School Matters," *New Directions for Youth Development* 134 (Summer 2012): 59.

Because students can be taught poor work habits and a poor work ethic in a poor work environment, it is critical that the quality of the environment be carefully evaluated before students enter into any sort of WBL experience, from short-term job shadowing to long-term cooperative education.

For some researchers, deepening academic and technical learning is the primary goal of WBL, and they recommend that substantial effort be spent on closely integrating a student's work-based-learning and classroom experiences in order to meet this goal. For example, Darche, Nayar, and Bracco maintain that teachers should observe the workplace in advance so that they have a full understanding of its learning potential and can be sure that the skills and knowledge to be gained therein align with the CTE competencies being taught. Throughout the experience, teachers should also maintain close communication with employers to ensure that students' WBL experiences are, in fact, tied to CTE content and student goals.[25]

Other researchers also assert the crucial nature of this tie:

> Our examination of selected WBL models, as well as prior research, leads us to conclude that in order for WBL to be meaningful and worthy of investment, there must be a much stronger connection between the classroom and the workplace than currently exists in many WBL programs. ...the program must deliberately demonstrate to students the link between skills learned in the classroom curriculum and skills learned and used on the job. [26]

Of course, these assertions do not negate the worth of all types of WBL experiences in helping students develop social and people skills through their opportunities for meeting challenges from new relationships with adults, nor do they lessen the importance of these experiences in helping students become more sophisticated critical thinkers as they learn to participate in teams and solve problems in concert with other workers.[27] Nonetheless, instruction that helps students reflect on these kinds of work experiences will help them generalize and apply their new understanding outside of the immediate WBL experience.

2. Prepare students for the WBL experience.

Researchers argue that reflection on experience is the key to developing knowledge that can be transferred from one environment to another. In WBL the reflection process should begin before students leave the classroom. Students need to know in advance the goal for their WBL experience and need to have a good general idea of what to

[25] Darche, Nayar, and Bracco, *Work-Based Learning in California,* 8
[26] Alfeld et al., *Work-Based Learning Opportunities,* 28.
[27] Bailey, Hughes, and Moore, *Working Knowledge*, Chapter 7.

expect when they are at work and how this will help them achieve their goals. They also may need to prepare in advance for the work environment, learning everything from dress codes to on-the-job etiquette to workplace safety.

Students may also need to develop new skills in order to learn from work experience.[28] Unlike teachers, workplace supervisors do not expect to spend much time giving instruction. Consequently, students may need to create opportunities to learn rather than wait passively for them to happen. They may need to learn when and how to ask questions, take initiative, have the confidence to solve problems, and stick to doing a job until it gets done; and they may need to do this cooperatively with other workers. The more teachers know about the environment students will be entering, however, the better job they can do at helping students learn how to learn. Different workplaces have different expectations, and what is acceptable in one may not be acceptable in another.

3. Determine goals for the specific WBL experience being offered.

Educators need to know in advance what they want students to gain from WBL experiences and select the experiences and accompanying classroom instruction to support these goals.[29]

Different goals are appropriate for students of different ages and with different plans for future work and education. Career awareness and exploration is a fitting goal for middle and early high school students. Deepening career and workplace knowledge, enhancing workplace readiness skills (including higher-order thinking skills and psychosocial development), and acquiring technical skills are apt goals for early high school students. Intensive preparation for specific careers is an appropriate goal for upper high school students who are preparing to start their careers or go into specialized technical training programs immediately after graduation.

Research suggests that high school WBL experiences, such as internships[30] and cooperative education, are most effective when students work in jobs for which high school graduates or two-year college graduates are normally hired.[31] Placements are usually less effective when high school students are placed in jobs for which a bachelor's or higher degree is required because employers often are not willing or able to train students to the standards required and do not know how to use them when their skills prove inadequate. As a result, students in these environments may be underused

[28] Stasz and Kaganoff, *Learning How to Learn*, 8.
[29] Bailey, Hughes, and Moore, *Working Knowledge*, 195.
[30] For recent FSLA regulations on internships, refer to the footnote on page 6 and to Appendix B.
[31] Bailey, Hughes, and Moore, *Working Knowledge*, 87.

or assigned tasks that are not relevant to their career goals. Except in cases where employers are both interested and skilled in providing introductory instruction, a student whose career goal is an occupation that normally requires a bachelor's or higher degree might benefit more from a placement in a role somewhat lower than he/she ultimately aims for.

The table on page 11 shows the goals, grade levels, and types of WBL experiences related to each WBL method.[32] For some students, particularly those heading straight to work from high school, a WBL experience with a strong focus on technical as well as workplace readiness skills will be valuable, as they will be expected to transition from high school to the workplace with those skills in a very short time. Research suggests, however, that it is more worthwhile to invest time in selecting employer partners known to provide richly diverse experiences than to invest time in detailed alignment of work and classroom experiences. For students who are planning to enter postsecondary education, it may be more valuable to focus on developing readiness skills and preparing for a more technical internship in college.

4. Provide instructional activities targeted to learning goals.

Students do not easily or automatically transfer knowledge gained from one experience into other experiences. In order to do this, they need to step back and consciously consider what is being learned and how to apply it in other situations. Workplaces do not usually offer opportunities for this kind of reflection. Instead, teachers need to create opportunities for students to reflect critically on their experiences both while they are away from the classroom and when they return to it.[33]

All of the strategies that follow are appropriate for different types of WBL experiences, though the number of activities and the amount of work required will vary with type and length of experience.[34]

1. ***Learning plans.*** These list objectives for the experience so they are clear to the student and the employer, and they provide a way for students to document and reflect on what they learn. For example, a learning plan might require a student to keep a journal, write an organizational profile, read books about the occupation, interview workers and supervisors, and write a final report. Sometimes students work

[32] Based on Darche, Nayar, and Bracco, *Work-Based Learning in California,* 6. Similar tripartite categorizations of WBL experiences are used by other researchers as well; for example, Mary Agnes Hamilton and Stephen F. Hamilton (*Learning Well at Work: Choices for Quality.* Washington, DC: National School-to-Work Opportunities Office, 1997, p. 7), who divided WBL into three categories with the goals of exploration, personal and social development, and technical competence. California's "Linked Learning" system also uses a similar model.

[33] Bailey, Hughes, and Moore, *Working Knowledge,* 195.

[34] Bailey, Hughes, and Moore, *Working Knowledge*, Chapter 10.

with teachers to develop their own objectives and learning plans. In some courses, a student might be given or might devise an entire learning plan at once, while in others, the plan might be structured as modules to be completed separately at intervals.

2. ***Journaling.*** In many CTE courses, students are expected to write a journal entry for every day they are on the job. Different courses ask for different content—e.g., some ask students to describe what they do every day; others require students to emphasize feelings; still others structure the journal around certain themes or questions. Journaling may offer a variety of opportunities and challenges—e.g., describing complex work processes in detail, using representations or organizational charts; reporting responses to or feelings about work events; identifying issues in various things from social dynamics to organizational growth to budgeting dilemmas.

3. ***Internship seminars or discussion groups*.** The focus of these classes ranges from general workplace issues to students' particular experiences. Teachers use these discussions to connect workplace experiences to coursework.

4. ***Final papers, capstone projects, and presentations*.** Most WBL methods require students to create some kind of final project. These can be used to help students connect what they have experienced/learned at work to other environments and situations and to their studies.

5. ***Feedback and assessment*.** Real feedback from the "clients" or recipients of the students' work, as well as from teachers, is a key to motivating learning. It is important for students to engage in tasks with real-world consequences and to learn that the world outside the classroom requires real performance, not just "seat time." Teachers may need to work with employers and activity leaders to ensure that they are providing appropriate feedback and neither ignoring good work nor tolerating bad work simply because it is being done by a student.[35]

Virtual Work-Based Learning

Although the potential in this arena is great, relatively little virtual WBL has been integrated into high school curricula so far. Research is being done in this area, especially in Great Britain, and as more virtual WBL experiences become available, opportunities for evaluation will increase. Some virtual WBL experiences are now being used in the United States at the high school level, but most virtual WBL seems to be designed for students at the

[35] Darche, Nayar, and Bracco, *Work-Based Learning in California,* 7, 9.

postsecondary level in fields such as computer science. Resources currently available for high school students seem largely to provide individual career exploration opportunities or online extensions of technical classroom learning rather than extended workplace simulations that might contribute to a student's personal development or workplace readiness skills. Given the huge potential of virtual WBL and the changes rapidly taking place in the highly technical field of virtual learning, this arena should be regularly monitored for opportunities that can be studied and introduced in Virginia in the future.

Conclusions and Recommendations

Research on work-based learning shows that it offers valuable experiences to middle and high school students and that employers increasingly expect new hires to come to them primed with work experience and ready to perform at an informed level from day one. An investment in WBL for Virginia students can be expected to bring returns both to individual students and to our wider economy. Based on current research and input from administrators, teachers, and stakeholders, this report recommends that Virginia's CTE programs do the following:

1. *Organize WBL methods into three primary categories, each with a distinct and clearly articulated set of goals,* as follows:
   - Career-Exploration WBL Methods
     - Foster career and workplace awareness
     - Promote career exploration
     - Strengthen motivation and informed decision-making skills
   - Pre-professional WBL Methods
     - Deepen career and workplace knowledge
     - Develop personal qualities and workplace readiness skills
     - Impart beginning professional skills
   - Career-Preparation WBL Methods
     - Develop technical knowledge and skills necessary for entry into a specific occupation or postsecondary training program
     - Promote career awareness, workplace readiness, and personal development

2. *Support each WBL method with goal-oriented classroom instruction*. Centrally created instructional materials would be particularly appropriate for career-exploration and pre-professional WBL.

3. *Recognize that pre-professional WBL methods can be workable as well as effective* because the fewer hours involved will often suit students who have limited time for WBL due to their class loads and participation in extracurricular activities.

4. *Make workplace readiness an essential instructional goal of all WBL experiences.* Combining WBL and the development of workplace readiness skills can be an effective use of teacher and student time.

5. *Continually explore opportunities for application of proven best practices in the area of virtual WBL methods.* An increasing range of such practices is expected to become available over the next decade or so.

6. *Build a strong network of business/industry and community partnerships to support student training experiences.*

7. *Implement meaningful strategies for employer outreach and engagement in the students' learning process.*

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Appendix A: How to Make Internships Pay Off [36]

by Sarah E. Needleman

Elizabeth Chabner Thompson thought she was getting a bargain last summer when she took on three student interns for her new business, a retailer and wholesaler of recovery kits for women who've undergone breast-cancer treatments.

The interns offered to help her with social-media marketing for free in order to gain professional work experience.

But as the weeks went by, Dr. Thompson says, the young women began to lose interest in their temporary jobs. They would increasingly request time off without advance notice, and the first-time entrepreneur felt she couldn't say no since she wasn't paying them, nor were they getting school credit.

"I was depending on them to follow through, but it was hard to demand anything of them," says Dr. Thompson, adding that the interns might have been inclined to stick around longer if she had spent more time supervising them in the beginning.

Planning to hire student interns for your new venture this summer? The proposition may seem like a no-brainer if you're just starting out or you have a limited budget for recruiting talent. Interns often are willing to work for little or no pay in exchange for school credit or the opportunity to beef up their résumés.

But if interns aren't compensated in any way, or if they're poorly managed, they may not be motivated to do their jobs to the fullest, as Dr. Thompson discovered. The 45-year-old is now planning a more-organized and paid internship program for her Scarsdale, N.Y., business, BFFL, which stands for Best Friends for Life.

When crafting an internship program, make sure it complies with the U.S. Labor Department's six-factor test, says Joseph H. Harris, a partner at New York law firm White Harris PLLC. (Go to the Labor Department's site, dol.gov.) For example, the program should provide educational value and be for the benefit of the intern, not the business. Some states, including California and New Jersey, require employers to meet criteria on top of what the Labor Department demands.

Interns at Billy Van Jura's insurance consulting practice in Poughkeepsie, N.Y., are trained on how to run marketing campaigns from start to finish. They're paid $10 an hour and receive an extra $25 a week if they need to travel for an assignment. "It's stuff I can do, but I get twice the money's worth and they learn," says Mr. Van Jura, adding that he starts his interns out with tasks that aren't critical to the success of his business. "They have permission to fail."

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[36] Sarah E. Needleman, "How to Make Internships Pay Off," *The Wall Street Journal*, March 10, 2013, http://online.wsj.com/article/SB10001424127887323628804578344112141482712.html (accessed June 3, 2013).

Mr. Van Jura, 35, started recruiting interns from local colleges soon after starting Birchyard in 2011. He says while the insurance industry has a reputation for being dull, he's managed to hire some talented students by pointing out the benefits of being an entrepreneur. For instance, he can be choosy with clients, manage his own hours and work from just about any location.

When evaluating candidates for internships, don't place too much weight on the school they attend, says Olivia Scott-Perkins, principal of Omerge Alliances, a five-month-old entertainment-marketing firm. She recently hired two interns—one who had just graduated from an Ivy League university and another from a community college—and was surprised to see the latter recruit outshine the other.

"He had ideas on how to improve things," says Ms. Scott-Perkins, 39, whose business is based in New York City. "His contributions were so significant." By contrast, the intern with the more impressive pedigree required a lot of hand-holding "and some work still didn't get done," she adds.

Another lesson learned the hard way: Don't hire virtual interns, says David Simnick, 25, co-founder of SoapBox Soaps, a health and beauty brand since 2010. Last summer, the Rockville, Md., startup recruited five student interns to work remotely since the company couldn't yet afford office space.

Mr. Simnick and his partners assumed they could get by using online technology such as Skype and Google Hangout to assign and oversee tasks in areas such as charity outreach, public relations and business development. But the arrangement quickly floundered, he says. "We found that more time was spent trying to coordinate meetings and fixing technical bugs than actually getting meaningful work done."

Appendix B: United States Department of Labor – Wage and Hour Division (WHD)

From: http://www.dol.gov/whd/regs/compliance/whdfs71.htm

April 2010

Fact Sheet #71: Internship Programs under the Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to "for-profit" private sector employers.

Background

The Fair Labor Standards Act (FLSA) defines the term "employ" very broadly as including to "suffer or permit to work." Covered and non-exempt individuals who are "suffered or permitted" to work must be compensated under the law for the services they perform for an employer. Internships in the "for-profit" private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the "for-profit" private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.[37]

The Test for Unpaid Interns

There are some circumstances under which individuals who participate in "for-profit" private sector internships or training programs may do so without compensation. The Supreme Court has held that the term "suffer or permit to work" cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;

[37] The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.

3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act's minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA's definition of "employ" is very broad. Some of the most commonly discussed factors for "for-profit" private sector internship programs are considered below.

Similar to an Education Environment and the Primary Beneficiary of the Activity

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work.

Displacement and Supervision Issues

If an employer uses interns as substitutes for regular workers or to augment its existing work force during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular work force, this would suggest an employment relationship, rather than training.

Job Entitlement

The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

Where to Obtain Additional Information

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

For additional information, visit our Wage and Hour Division Web site: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

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